

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1642

Introduced by Assembly Member Beall

January 11, 2010

~~An act relating to foster care. An act to amend Sections 11020, 11320.2, 11450, 11450.12, 11450.13, and 11451.5 of, and to repeal and add Sections 11004.1, 11265.1, 11265.2, 11265.3, and 18910 of, the Welfare and Institutions Code, relating to public social services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1642, as amended, Beall. ~~Foster care: federal. Fostering Connections to Success and Increasing Adoptions Act. CalWORKs and Food Stamp programs: reporting.~~

(1) Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits. Existing law additionally requires the county to implement a recipient monthly reporting system, consistent with federal law until the Director of Social Services makes a specified declaration, at which time the county would be required to redetermine recipient eligibility and grant amounts on a quarterly basis, using prospective budgeting, and to prospectively determine the grant amount that a recipient is entitled to receive for each month of the quarterly reporting period. Under existing law, a CalWORKs recipient is required to report to the county, orally or in writing, specified changes that could affect the amount of aid to

which the recipient is entitled. Under existing law, the CalWORKs quarterly reporting system is also implemented by the State Department of Social Services in administering the federal Supplemental Nutrition Assistance Program (SNAP).

This bill would repeal the requirements relating to quarterly reporting and prospective determination grant amounts, and would, instead, impose similar requirements for a semiannual reporting period, operative July 1, 2011, to be implemented no later than January 1, 2012, except as prescribed. The bill would also require the department to establish an income reporting threshold for CalWORKs recipients, as specified. The bill would make various related conforming changes, including revising provisions relating to the collection of CalWORKs grant overpayments and self-sufficiency review requirements. The bill would authorize counties to adopt staggered semiannual reporting requirements, as specified. The bill would authorize the department to implement the semiannual reporting provisions through all-county letters until the adoption of implementing regulations, as prescribed.

(2) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would, instead, provide that the continuous appropriation would not be made for purposes of implementing the bill.

(3) To the extent that the bill would expand eligibility for CalWORKs and food stamp benefits, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides for the out-of-home placement of children who are unable to remain in the custody and care of their parent or parents, and provides for a range of child welfare, foster care, and adoption assistance services for which these children may be eligible.~~

~~Existing federal law, the Fostering Connections to Success and Increasing Adoptions Act of 2008 revises and expands federal programs and funding for certain foster and adopted children.~~

~~This bill would declare the intent of the Legislature to enact legislation that would take advantage of options available under the federal Fostering Connections to Success and Increasing Adoptions Act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) In tough times, the Food Stamp program not only provides*
4 *nutrition benefits to families but also provides a needed economic*
5 *stimulus. Similarly, the CalWORKs program provides temporary*
6 *assistance to struggling families to help them get back into the*
7 *workforce and achieve self-sufficiency.*

8 *(b) According to the United States Department of Agriculture*
9 *(USDA), every \$5 in food stamp benefits generates \$9.20 in*
10 *economic activity. A 2009 study by Beacon Economics found a*
11 *similar multiplier effect associated with CalWORKs assistance.*

12 *(c) Because food stamp benefits are paid for 100 percent by the*
13 *federal government under the federal Supplemental Nutrition*
14 *Assistance Program (SNAP), increasing food stamp participation*
15 *greatly increases the flow of federal funds into the state.*

16 *(d) According to the USDA, over three million Californians*
17 *were receiving food stamp benefits in December of 2009, bringing*
18 *in a total of \$4.3 billion to feed hungry families and almost \$8*
19 *billion to stimulate the business of growers and retailers.*

20 *(e) The Legislative Analyst's Office has also found that*
21 *increasing food stamp participation can also generate General*
22 *Fund revenues, as recipients spend freed-up resources on taxable*
23 *items such as clothes and shoes.*

24 *(f) Streamlining food stamp and CalWORKs administration on*
25 *a basis consistent with Medi-Cal could help increase participation*
26 *and generate these economic benefits.*

27 *(g) Forty-nine other states have moved to simplified reporting*
28 *for food stamps. This action has reduced paperwork burdens for*
29 *participants and administrators, has reduced errors in the*
30 *program, and improved access. The benefits of simplified reporting*
31 *will also extend to CalWORKs recipients.*

1 *SEC. 2. Section 11004.1 of the Welfare and Institutions Code*
2 *is repealed.*

3 ~~11004.1. (a) In addition to Section 11004, this section shall~~
4 ~~apply to the CalWORKs program.~~

5 ~~(b) The amount of any CalWORKs grant overpayment shall be~~
6 ~~the difference between the grant amount the assistance unit actually~~
7 ~~received and the grant amount the assistance unit would have~~
8 ~~received under the quarterly reporting, prospective budgeting~~
9 ~~system if no county error had occurred or if the recipient had~~
10 ~~timely, completely, and accurately reported as required under~~
11 ~~Sections 11265.1 and 11265.3. No overpayment shall be~~
12 ~~established based on any differences between the amount of income~~
13 ~~the county reasonably anticipated the recipient would receive~~
14 ~~during the quarterly reporting period and the income the recipient~~
15 ~~actually received during that period, provided the recipient's report~~
16 ~~was complete and accurate.~~

17 ~~(c) No CalWORKs grant underpayment shall be established~~
18 ~~based on any differences between the amount of income the county~~
19 ~~reasonably anticipated the recipient would receive during the~~
20 ~~quarterly reporting period and the income the recipient actually~~
21 ~~received during that period.~~

22 *SEC. 3. Section 11004.1 is added to the Welfare and Institutions*
23 *Code, to read:*

24 *11004.1. (a) In addition to Section 11004, this section shall*
25 *apply to the CalWORKs program.*

26 *(b) The amount of any CalWORKs grant overpayment shall be*
27 *the difference between the grant amount the assistance unit actually*
28 *received and the grant amount the assistance unit would have*
29 *received under the semiannual reporting, prospective budgeting*
30 *system if no county error had occurred and if the recipient had*
31 *timely, completely, and accurately reported as required under*
32 *Sections 11265.1 and 11265.3. No overpayment shall be*
33 *established based on any differences between the amount of income*
34 *the county prospectively determined for the recipient for the*
35 *semiannual reporting period and the income the recipient actually*
36 *received during that period, provided the recipient's report was*
37 *complete and accurate.*

38 *(c) No CalWORKs grant underpayment shall be established*
39 *based on any differences between the amount of income the county*
40 *prospectively determined for the recipient for the semiannual*

1 *reporting period and the income the recipient actually received*
2 *during that period.*

3 *SEC. 4. Section 11020 of the Welfare and Institutions Code,*
4 *as amended by Section 26 of Chapter 1022 of the Statutes of 2002,*
5 *is amended to read:*

6 11020. (a) Where a recipient under a categorical aid program
7 other than CalWORKs has received aid in good faith but in fact
8 owned excess property, he or she shall be considered to have been
9 ineligible for aid during the period for which any excess property
10 would have supported him or her at the rate of the aid granted to
11 him or her. ~~In such case~~ *Under these circumstances*, the recipient
12 or his *or her* estate shall repay the aid he *or she* received during
13 this period of ineligibility.

14 (b) With respect to recipients under Chapter 3 (commencing
15 with Section 12000) ~~of this part~~, overpayments shall be collected
16 by the federal government pursuant to federal law.

17 (c) Where a CalWORKs recipient has received aid in good faith,
18 but in fact owned excess property, the recipient shall have an
19 overpayment equal to the lesser of the amount of the excess
20 property or the aid received during the period the recipient owned
21 the excess property and the grant was not accurately determined
22 under the ~~quarterly~~ *semiannual* reporting, prospective budgeting
23 system due to the excess property.

24 *SEC. 5. Section 11265.1 of the Welfare and Institutions Code,*
25 *as amended by Section 1 of Chapter 826 of the Statutes of 1999,*
26 *is repealed.*

27 ~~11265.1. (a) Except as provided in Section 11265.5, in addition~~
28 ~~to the requirement for the annual redetermination of eligibility,~~
29 ~~the department shall establish regulations consistent with federal~~
30 ~~law to implement a recipient monthly reporting system for use in~~
31 ~~determining monthly eligibility and the amount of the grant. The~~
32 ~~department shall define what constitutes a complete report and~~
33 ~~shall specify the deadlines for submitting a complete report, as~~
34 ~~well as the consequences of, and good cause for, failure to submit~~
35 ~~a complete report. The department shall adopt fair and equitable~~
36 ~~regulations implementing the monthly reporting requirement.~~

37 ~~(b) This section shall become inoperative on the date that the~~
38 ~~director executes a declaration stating that Section 11265.2, as~~
39 ~~added by the act adding this subdivision, is fully implemented~~

1 statewide, and shall be repealed on January 1 of the year following
2 the year in which it becomes inoperative.

3 *SEC. 6. Section 11265.1 of the Welfare and Institutions Code,*
4 *as added by Section 30 of Chapter 1022 of the Statutes of 2002,*
5 *is repealed.*

6 ~~11265.1. (a) In addition to the requirement for an annual~~
7 ~~redetermination of eligibility, counties shall redetermine recipient~~
8 ~~eligibility and grant amounts on a quarterly basis using prospective~~
9 ~~budgeting. Counties shall use the information reported on a~~
10 ~~recipient's quarterly report form to prospectively determine~~
11 ~~eligibility and grant amount for the following quarterly reporting~~
12 ~~period.~~

13 ~~(b) A quarterly reporting period shall be three consecutive~~
14 ~~calendar months. The recipient shall submit one quarterly report~~
15 ~~form for each quarterly reporting period. Counties shall provide a~~
16 ~~quarterly report form to recipients at the end of the second month~~
17 ~~of the quarterly reporting period, and recipients shall return the~~
18 ~~completed quarterly report form with required verification to the~~
19 ~~county by the 11th day of the third month of the quarterly reporting~~
20 ~~period.~~

21 ~~(c) Counties may establish staggered quarterly reporting cycles~~
22 ~~based on factors established or approved by the department,~~
23 ~~including, but not limited to, application date or case number.~~

24 ~~(d) The quarterly report form shall be signed under penalty of~~
25 ~~perjury, and shall include only information necessary to determine~~
26 ~~CalWORKs and food stamp eligibility and calculate the~~
27 ~~CalWORKs grant amount and food stamp allotment, as specified~~
28 ~~by the department. The form shall be as comprehensible as possible~~
29 ~~for recipients and shall require recipients to provide the following:~~

30 ~~(1) Information about income received during the second month~~
31 ~~of the quarterly reporting period.~~

32 ~~(2) Information about income that the recipient anticipates~~
33 ~~receiving during the following quarterly reporting period.~~

34 ~~(3) Any other changes to facts required to be reported, together~~
35 ~~with any changes to those facts that the recipient anticipates will~~
36 ~~occur. The recipient shall provide verification as specified by the~~
37 ~~department with the quarterly report form.~~

38 ~~(e) A quarterly report form shall be considered complete if the~~
39 ~~following requirements, as specified by the department, are met:~~

1 ~~(1) The form is signed no earlier than the first day of the third~~
2 ~~month of the quarterly reporting period by the persons specified~~
3 ~~by the department.~~

4 ~~(2) All questions and items pertaining to CalWORKs and food~~
5 ~~stamp eligibility and grant amount are answered.~~

6 ~~(3) Verification required by the department is provided.~~

7 ~~(f) If a recipient fails to submit a complete quarterly report form,~~
8 ~~as defined in subdivision (e), by the 11th day of the third month~~
9 ~~of the quarterly reporting period, the county shall provide the~~
10 ~~recipient with a notice that the county will terminate benefits at~~
11 ~~the end of the month. Prior to terminating benefits, the county shall~~
12 ~~attempt to make personal contact to remind the recipient that a~~
13 ~~completed report is due, or, if contact is not made, shall send a~~
14 ~~reminder notice to the recipient no later than five days prior to the~~
15 ~~end of the month. Any discontinuance notice shall be rescinded if~~
16 ~~a complete report is received by the first working day of the first~~
17 ~~month of the following quarterly reporting period.~~

18 ~~(g) The county may determine, at any time prior to the last day~~
19 ~~of the calendar month following discontinuance for nonsubmission~~
20 ~~of a quarterly report form, that a recipient had good cause for~~
21 ~~failing to submit a complete quarterly report form, as defined in~~
22 ~~subdivision (e), by the first working day of the month following~~
23 ~~discontinuance. If the county finds a recipient had good cause, as~~
24 ~~defined by the department, it shall rescind the discontinuance~~
25 ~~notice. Good cause exists only when the recipient cannot~~
26 ~~reasonably be expected to fulfill his or her reporting responsibilities~~
27 ~~due to factors outside of the recipient's control.~~

28 ~~SEC. 7. Section 11265.1 is added to the Welfare and Institutions~~
29 ~~Code, to read:~~

30 ~~11265.1. (a) In addition to the requirement for an annual~~
31 ~~redetermination of eligibility, counties shall redetermine recipient~~
32 ~~eligibility and grant amounts on a semiannual basis in a~~
33 ~~prospective manner, using reasonably anticipated income~~
34 ~~consistent with Section 5 of the federal Food Stamp Act (7 U.S.C.~~
35 ~~Sec. 2014(f)(3)(A)), implementing regulations, and any waivers~~
36 ~~obtained by the department pursuant to subdivision (g) of Section~~
37 ~~11265.2. Counties shall use the information reported on a~~
38 ~~recipient's semiannual report form to prospectively determine~~
39 ~~eligibility and the grant amount for the following semiannual~~
40 ~~reporting period.~~

1 (b) A semiannual reporting period shall be six consecutive
2 calendar months. The recipient shall submit one semiannual report
3 form for each semiannual reporting period. Counties shall provide
4 a semiannual report form to recipients at the end of the fifth month
5 of the semiannual reporting period, and recipients shall return
6 the completed semiannual report form with required verification
7 to the county by the 11th day of the sixth month of the semiannual
8 reporting period.

9 (c) The semiannual report form shall be signed under penalty
10 of perjury, and shall include only the information necessary to
11 determine CalWORKs and food stamp eligibility and calculate the
12 CalWORKs grant amount and food stamp allotment, as specified
13 by the department. The form shall be as comprehensible as possible
14 for recipients and shall require recipients to provide the following:

15 (1) Information about income received during the fifth month
16 of the semiannual reporting period.

17 (2) Any other changes to facts required to be reported. The
18 recipient shall provide verification as specified by the department
19 with the semiannual report form.

20 (d) A semiannual report form shall be considered complete if
21 the following requirements, as specified by the department, are
22 met:

23 (1) The form is signed no earlier than the first day of the sixth
24 month of the semiannual reporting period by the persons specified
25 by the department.

26 (2) All questions and items pertaining to CalWORKs and food
27 stamp eligibility and grant amounts are answered.

28 (3) Verification required by the department is provided.

29 (e) If a recipient fails to submit a complete semiannual report
30 form, as defined in subdivision (d), by the 11th day of the sixth
31 month of the semiannual reporting period, the county shall provide
32 the recipient with a notice that the county will terminate benefits
33 at the end of the month. Prior to terminating benefits, the county
34 shall attempt to make personal contact to remind the recipient that
35 a completed report is due, or, if contact is not made, shall send a
36 reminder notice to the recipient no later than five days prior to
37 the end of the month. Any discontinuance notice shall be rescinded
38 if a complete report is received by the first working day of the first
39 month of the following semiannual reporting period.

1 (f) *The county may determine, at any time prior to the last day*
2 *of the calendar month following discontinuance for nonsubmission*
3 *of a semiannual report form, that a recipient had good cause for*
4 *failing to submit a complete semiannual report form, as defined*
5 *in subdivision (d), by the first working day of the month following*
6 *discontinuance. If the county finds a recipient had good cause, as*
7 *defined by the department, it shall rescind the discontinuance*
8 *notice. Good cause exists only when the recipient cannot*
9 *reasonably be expected to fulfill his or her reporting*
10 *responsibilities due to factors outside of the recipient's control.*

11 (g) *Any projected administrative savings associated with the*
12 *implementation of the semiannual, prospective budgeting*
13 *requirements in this chapter shall be calculated in relation to the*
14 *actual costs to counties of administering the Food Stamp program.*
15 *There shall be no reduction in county administrative funding*
16 *associated with the calculated savings, except to the extent that*
17 *the projected county administrative savings associated with the*
18 *implementation of this section exceed any underfunding of the*
19 *actual costs to counties. Any savings that are assumed shall be*
20 *reconciled against actual data collected through a survey of a*
21 *representative sample of counties.*

22 (h) *Counties may establish staggered semiannual reporting*
23 *cycles for individual recipients, based on factors established or*
24 *approved by the department, including, but not limited to,*
25 *application date or case number. If a county elects to stagger the*
26 *reporting periods for individuals, this section shall apply to an*
27 *individual recipient on the first day of the month assigned to the*
28 *recipient, but in no event later than July 1, 2011. Up to and until*
29 *the establishment of a semiannual system, counties shall operate*
30 *a quarterly system, as established by law and regulation applicable*
31 *immediately prior to the establishment of the semiannual reporting*
32 *system.*

33 SEC. 8. *Section 11265.2 of the Welfare and Institutions Code*
34 *is repealed.*

35 ~~11265.2. (a) The grant amount a recipient shall be entitled to~~
36 ~~receive for each month of the quarterly reporting period shall be~~
37 ~~prospectively determined as provided by this section. If a recipient~~
38 ~~reports that he or she does not anticipate any changes in income~~
39 ~~during the upcoming quarter, compared to the income the recipient~~
40 ~~reported actually receiving on the quarterly report form, the grant~~

1 shall be calculated using the actual income received. If a recipient
2 reports that he or she anticipates a change in income in one or more
3 months of the upcoming quarter, the county shall determine
4 whether the recipient's income is reasonably anticipated. The grant
5 shall be calculated using the income that the county determines is
6 reasonably anticipated in each of the three months of the upcoming
7 quarter.

8 (b) For the purposes of the quarterly reporting, prospective
9 budgeting system, income shall be considered to be "reasonably
10 anticipated" if the county is reasonably certain of the amount of
11 income and that the income will be received during the quarterly
12 reporting period. The county shall determine what income is
13 "reasonably anticipated" based on information provided by the
14 recipient and any other available information.

15 (c) If a recipient reports that their income in the upcoming
16 quarter will be different each month and the county needs
17 additional information to determine a recipient's reasonably
18 anticipated income for the following quarter, the county may
19 require the recipient to provide information about income for each
20 month of the prior quarter.

21 (d) Grant calculations pursuant to subdivision (a) may not be
22 revised to adjust the grant amount during the quarterly reporting
23 period, except as provided in Section 11265.3 and subdivisions
24 (e), (f), (g), and (h), and as otherwise established by the department.

25 (e) Notwithstanding subdivision (d), statutes and regulations
26 relating to (1) the 60-month time limit, (2) age limitations for
27 children under Section 11253, and (3) sanctions and financial
28 penalties affecting eligibility or grant amount shall be applicable
29 as provided in such statutes and regulations. Eligibility and grant
30 amount shall be adjusted during the quarterly reporting period
31 pursuant to such statutes and regulations effective with the first
32 monthly grant after timely and adequate notice is provided.

33 (f) Notwithstanding Section 11056, if an applicant applies for
34 assistance for a child who is currently aided in another assistance
35 unit, and the county determines that the applicant has care and
36 control of the child, as specified by the department, and is
37 otherwise eligible, the county shall discontinue aid to the child in
38 the existing assistance unit and shall aid the child in the applicant's
39 assistance unit effective as of the first of the month following the
40 discontinuance of the child from the existing assistance unit.

1 ~~(g) If the county is notified that a child for whom CalWORKs~~
2 ~~assistance is currently being paid has been placed in a foster care~~
3 ~~home, the county shall discontinue aid to the child at the end of~~
4 ~~the month of placement. The county shall discontinue the case if~~
5 ~~the remaining assistance unit members are not otherwise eligible.~~

6 ~~(h) If the county determines that a recipient is no longer a~~
7 ~~California resident, pursuant to Section 11100, the recipient shall~~
8 ~~be discontinued. The county shall discontinue the case if the~~
9 ~~remaining assistance unit members are not otherwise eligible.~~

10 ~~SEC. 9. Section 11265.2 is added to the Welfare and Institutions~~
11 ~~Code, to read:~~

12 ~~11265.2. (a) The grant amount a recipient shall be entitled to~~
13 ~~receive for each month of the semiannual reporting period shall~~
14 ~~be prospectively determined, using reasonably anticipated income,~~
15 ~~and calculated in a manner consistent with Section 5 of the federal~~
16 ~~Food Stamp Act (7 U.S.C. Sec. 2014(f)(3)(A)), implementing~~
17 ~~regulations, and any waivers obtained by the department pursuant~~
18 ~~to subdivision (g).~~

19 ~~(b) Grant calculations pursuant to subdivision (a) shall not be~~
20 ~~revised to adjust the grant amount during the semiannual reporting~~
21 ~~period, except as provided in Section 11265.3 and subdivisions~~
22 ~~(c), (d), (e), and (f), and as otherwise established by the~~
23 ~~department.~~

24 ~~(c) Notwithstanding subdivision (b), statutes and regulations~~
25 ~~relating to the 60-month time limit, age limitations for children~~
26 ~~under Section 11253, and sanctions and financial penalties~~
27 ~~affecting eligibility or grant amount shall be applicable as provided~~
28 ~~in those statutes and regulations. Eligibility and grant amount~~
29 ~~shall be adjusted during the semiannual reporting period pursuant~~
30 ~~to those statutes and regulations effective with the first monthly~~
31 ~~grant after timely and adequate notice is provided.~~

32 ~~(d) Notwithstanding Section 11056, if an applicant applies for~~
33 ~~assistance for a child who is currently aided in another assistance~~
34 ~~unit, and the county determines that the applicant has care and~~
35 ~~control of the child, as specified by the department, and is~~
36 ~~otherwise eligible, the county shall discontinue aid to the child in~~
37 ~~the existing assistance unit and shall aid the child in the applicant's~~
38 ~~assistance unit effective as of the first of the month following the~~
39 ~~discontinuance of the child from the existing assistance unit.~~

1 (e) If the county is notified that a child for whom CalWORKs
2 assistance is currently being paid has been placed in a foster care
3 home, the county shall discontinue aid to the child at the end of
4 the month of placement. The county shall discontinue the case if
5 the remaining assistance unit members are not otherwise eligible.

6 (f) If the county determines that a recipient is no longer a
7 California resident, pursuant to Section 11100, the recipient shall
8 be discontinued. The county shall discontinue the case if the
9 remaining assistance unit members are not otherwise eligible.

10 (g) The department shall take all necessary steps to implement
11 this section in the simplest manner possible for both county human
12 services departments and recipients of aid under this chapter,
13 including, but not limited to, exploring the feasibility of
14 accumulating reported changes, acting on changes once per month
15 rather than multiple times, and whether additional flexibility is
16 available under federal food stamp rules to simplify the
17 consideration of reasonably anticipated income when setting grant
18 levels for the upcoming semiannual reporting period.

19 SEC. 10. Section 11265.3 of the Welfare and Institutions Code
20 is repealed.

21 ~~11265.3. (a) In addition to submitting the quarterly report form~~
22 ~~as required in Section 11265.1, during the quarterly reporting~~
23 ~~period, a recipient shall report the following changes to the county~~
24 ~~orally or in writing, within 10 days of the change:~~

25 ~~(1) The receipt at any time during a quarterly reporting period~~
26 ~~of income, as provided by the department, in an amount that is~~
27 ~~likely to render the recipient ineligible, as provided by the~~
28 ~~department.~~

29 ~~(2) The occurrence at any time during a quarterly reporting~~
30 ~~period of a drug felony conviction as specified in Section 11251.3.~~

31 ~~(3) The occurrence, at any time during a quarterly reporting~~
32 ~~period, of an individual fleeing prosecution or custody or~~
33 ~~confinement, or violating a condition of probation or parole as~~
34 ~~specified in Section 11486.5.~~

35 ~~(b) Counties shall inform each recipient of the duty to report~~
36 ~~under paragraph (1) of subdivision (a), the consequences of failing~~
37 ~~to report, and the amount of income likely to render the family~~
38 ~~ineligible for benefits no less frequently than once per quarter.~~

1 ~~(e) When a recipient reports income pursuant to paragraph (1)~~
2 ~~of subdivision (a) the county shall redetermine eligibility and grant~~
3 ~~amounts as follows:~~

4 ~~(1) If the recipient reports a change for the first or second month~~
5 ~~of a current quarterly reporting period, the county shall verify the~~
6 ~~report and determine if the recipient is financially ineligible. If the~~
7 ~~recipient is determined to be financially ineligible based on this~~
8 ~~income, the county shall discontinue the recipient after timely and~~
9 ~~adequate notice in accordance with rules applicable to the federal~~
10 ~~Food Stamp program.~~

11 ~~(2) If the recipient reports a change for the third month of a~~
12 ~~current quarterly reporting period, the county shall not redetermine~~
13 ~~eligibility for the current quarterly reporting period, but shall~~
14 ~~redetermine eligibility and grant amount for the following quarterly~~
15 ~~reporting period as provided in Section 11265.2.~~

16 ~~(d) (1) During the quarterly reporting period, a recipient may~~
17 ~~report to the county, orally or in writing, any changes in income~~
18 ~~or household circumstances that may increase the recipient's grant.~~

19 ~~(2) Counties shall act upon changes in income reported during~~
20 ~~the quarterly reporting period that result in an increase in benefits;~~
21 ~~after verification specified by the department is received. Reported~~
22 ~~changes in income that increase the grant shall be effective for the~~
23 ~~entire month in which the change is reported. If the reported change~~
24 ~~in income results in an increase in benefits, the county shall issue~~
25 ~~the increased benefit amount within 10 days of receiving required~~
26 ~~verification.~~

27 ~~(3) (A) When a decrease in gross monthly income is voluntarily~~
28 ~~reported and verified, the county shall redetermine the grant for~~
29 ~~the current month and any remaining months in the quarterly~~
30 ~~reporting period by averaging the actual gross monthly income~~
31 ~~reported and verified from the voluntary report for the current~~
32 ~~month and the gross monthly income that is reasonably anticipated~~
33 ~~for any future month remaining in the quarterly reporting period.~~

34 ~~(B) When the average is determined pursuant to subparagraph~~
35 ~~(A), and a grant amount is calculated based upon the averaged~~
36 ~~income, if the grant amount is higher than the grant currently in~~
37 ~~effect, the county shall revise the grant for the current month and~~
38 ~~any remaining months in the quarter to the higher amount and shall~~
39 ~~issue any increased benefit amount as provided in paragraph (2).~~

~~(4) Except as provided in subdivision (e), counties shall act only upon changes in household composition voluntarily reported by the recipients during the quarterly reporting period that result in an increase in benefits, after verification specified by the department is received. If the reported change in household composition is for the first or second month of the quarterly reporting period and results in an increase in benefits, the county shall redetermine the grant effective for the month following the month in which the change was reported. If the reported change in household composition is for the third month of a quarterly reporting period, the county shall not redetermine the grant for the current quarterly reporting period, but shall redetermine the grant for the following reporting period as provided in Section 11265.2.~~

~~(e) During the quarterly reporting period, a recipient may request that the county discontinue the recipient's entire assistance unit or any individual member of the assistance unit who is no longer in the home or is an optional member of the assistance unit. If the recipient's request was verbal, the county shall provide a 10-day notice before discontinuing benefits. If the recipient's report was in writing, the county shall discontinue benefits effective the end of the month in which the request is made, and simultaneously issue a notice informing the recipient of the discontinuance.~~

~~(f) The department, in consultation with the County Welfare Directors Association (CWDA), shall report to the relevant policy and fiscal committees of the Legislature in April 2005 regarding the effects upon program efficiency and integrity of implementation of the midquarter reporting requirement set forth in subdivision (a). The report shall be based on data collected by CWDA and select counties. The department, in consultation with CWDA, shall determine the data collection needs required to assess the effects of the specified midquarter report.~~

SEC. 11. Section 11265.3 is added to the Welfare and Institutions Code, to read:

11265.3. (a) In addition to submitting the semiannual report form as required in Section 11265.1, the department shall establish an income reporting threshold for recipients of CalWORKs.

(b) The CalWORKs income reporting threshold shall be the lesser of the following:

1 (1) *Three-quarters of the monthly income for a family of three*
2 *at the federal poverty level, plus the amount of income last used*
3 *to calculate the recipient's monthly benefits.*

4 (2) *The amount likely to render the recipient ineligible for*
5 *federal food stamp benefits.*

6 (3) *The amount likely to render the recipient ineligible for*
7 *CalWORKs benefits.*

8 (c) *A recipient shall report to the county orally or in writing,*
9 *within 10 days, when any of the following occurs:*

10 (1) *The monthly household income exceeds the threshold*
11 *established pursuant to this section.*

12 (2) *The household address has changed.*

13 (3) *A drug felony conviction, as specified in Section 11251.3.*

14 (4) *An incidence of an individual fleeing prosecution or custody*
15 *or confinement, or violating a condition of probation or parole,*
16 *as specified in Section 11486.5.*

17 (d) *At least once per semiannual reporting period, counties*
18 *shall inform each recipient of all of the following:*

19 (1) *The duty to report under this section.*

20 (2) *The consequences of failing to report.*

21 (3) *The amount of the recipient's income reporting threshold.*

22 (e) *When a recipient reports income exceeding the reporting*
23 *threshold, the county shall redetermine eligibility and the grant*
24 *amount as follows:*

25 (1) *If the recipient reports the increase in income for the first*
26 *through fifth months of a current semiannual reporting period,*
27 *the county shall verify the report and determine the recipient's*
28 *financial eligibility and grant amount.*

29 (A) *If the recipient is determined to be financially ineligible*
30 *based on the increase in income, the county shall discontinue the*
31 *recipient with timely and adequate notice, effective at the end of*
32 *the month in which the income was received.*

33 (B) *If it is determined that the recipient's grant amount should*
34 *decrease based on the increase in income, the county shall reduce*
35 *the recipient's grant amount for the remainder of the semiannual*
36 *reporting period with timely and adequate notice, effective the*
37 *first of the month following the month in which the income was*
38 *received.*

39 (2) *If the recipient reports an increase in income for the sixth*
40 *month of a current semiannual reporting period, the county shall*

1 not redetermine eligibility for the current semiannual reporting
2 period, but shall consider this income in redetermining eligibility
3 and the grant amount for the following semiannual reporting
4 period, as provided in Section 11265.2.

5 (f) Counties shall act upon changes in income voluntarily
6 reported during the semiannual reporting period that result in an
7 increase in benefits, only after verification specified by the
8 department is received. Reported changes in income that increase
9 the grants shall be effective for the entire month in which the
10 change is reported. If the reported change in income results in an
11 increase in benefits, the county shall issue the increased benefit
12 amount within 10 days of receiving required verification.

13 (g) (1) When a decrease in gross monthly income is voluntarily
14 reported and verified, the county shall redetermine the grant for
15 the current month and any remaining months in the semiannual
16 reporting period by averaging the actual gross monthly income
17 reported and verified from the voluntary report for the current
18 month and the gross monthly income that is reasonably anticipated
19 for any future month remaining in the semiannual reporting period.

20 (2) When the average is determined pursuant to paragraph (1),
21 and a grant amount is calculated based upon the averaged income,
22 if the grant amount is higher than the grant currently in effect, the
23 county shall revise the grant for the current month and any
24 remaining months in the semiannual reporting period to the higher
25 amount and shall issue any increased benefit amount as provided
26 in subdivision (f).

27 (h) During the semiannual reporting period, a recipient may
28 report to the county, orally or in writing, any changes in income
29 and household circumstances that may increase the recipient's
30 grant. Except as provided in subdivision (i), counties shall act only
31 upon changes in household composition voluntarily reported by
32 the recipients during the semiannual reporting period that result
33 in an increase in benefits, after verification specified by the
34 department is received. If the reported change in household
35 composition is for the first through fifth month of the semiannual
36 reporting period and results in an increase in benefits, the county
37 shall redetermine the grant effective for the month following the
38 month in which the change was reported. If the reported change
39 in household composition is for the sixth month of a semiannual
40 reporting period, the county shall not redetermine the grant for

1 *the current semiannual reporting period, but shall redetermine*
2 *the grant for the following reporting period as provided in Section*
3 *11265.2.*

4 *(i) During the semiannual reporting period, a recipient may*
5 *request that the county discontinue the recipient's entire assistance*
6 *unit or any individual member of the assistance unit who is no*
7 *longer in the home or is an optional member of the assistance unit.*
8 *If the recipient's request was verbal, the county shall provide a*
9 *10-day notice before discontinuing benefits. If the recipient's report*
10 *was in writing, the county shall discontinue benefits effective the*
11 *end of the month in which the request is made, and simultaneously*
12 *issue a notice informing the recipient of the discontinuance.*

13 *SEC. 12. Section 11320.2 of the Welfare and Institutions Code*
14 *is amended to read:*

15 11320.2. (a) Commencing July 1, 2011, subject to subdivision
16 (g), the county shall conduct self-sufficiency reviews with all aided
17 caretaker relatives and the adult caretaker or minor parent
18 head-of-household in child-only cases, except for individuals who
19 are exempt from welfare-to-work activities pursuant to Section
20 11320.3. Reviews shall be conducted every six months, except as
21 otherwise provided in this subdivision. For an assistance unit
22 determined to be eligible under this chapter on or after July 1,
23 2011, reviews shall be conducted ~~at the end of the assistance unit's~~
24 ~~second and fourth quarterly reporting periods~~ *at the end of each*
25 *semiannual reporting period.* The review at the ~~fourth quarterly~~
26 *end of the second semiannual reporting period of each year* shall
27 be conducted with the annual redetermination, on the same day
28 and in the same location. The notice, scheduling, and
29 accommodation requirements used for the annual redetermination
30 shall be utilized uniformly for the self-sufficiency reviews. For an
31 assistance unit determined to be eligible under this chapter prior
32 to July 1, 2011, reviews shall be conducted starting at the end of
33 each assistance unit's ~~second quarterly~~ *first semiannual* reporting
34 period and with the next regularly scheduled redetermination, and
35 then annually thereafter.

36 (b) The county shall provide notification to individuals for whom
37 a review has been scheduled, not less than 60 calendar days prior
38 to the appointment, and provide for a process for rescheduling, if
39 necessary, on a date not to exceed 20 calendar days beyond the
40 scheduled review.

1 (c) Self-sufficiency reviews shall be conducted by a county
2 social worker or employment services worker.

3 (d) The purposes of the self-sufficiency review are to determine
4 barriers to participation, including those that may establish the
5 basis for an exemption, to assess needed services and resources,
6 and to provide tools to connect the recipient with the needed
7 services and activities in order to increase his or her work or
8 community service participation pursuant to Section 11320.

9 (e) (1) If the recipient fails to attend the review, the county
10 shall provide the recipient with a notice that the county shall reduce
11 the recipient's benefits by 50 percent after 30 calendar days, unless
12 the participant has complied or provided good cause. Prior to
13 reducing benefits by 50 percent, the county shall attempt to make
14 personal contact, consistent with current practice as exercised for
15 the annual redetermination, to remind the recipient that attending
16 the self-sufficiency review is required, or, if contact is not made,
17 shall send a reminder notice to the recipient no later than five days
18 prior to the end of the 30-calendar day period. The county may
19 determine at any time prior to reducing benefits by 50 percent for
20 failure to attend the self-sufficiency review, or after the sanction
21 has been imposed, that a recipient had good cause for failing to
22 attend the self-sufficiency review. A notice regarding a 50-percent
23 reduction in benefits shall be rescinded when the self-sufficiency
24 review is completed.

25 (2) If the participant is found to not comply with the requirement
26 to attend the self-sufficiency review, the benefits shall be reduced
27 by 50 percent.

28 (3) The county may determine, at any time prior to the end of
29 the 30-calendar day period following the reduction of benefits by
30 50 percent for failure to attend the self-sufficiency review, or after
31 the sanction has been imposed, that a recipient had good cause for
32 failing to attend the review. If the county finds a recipient had
33 good cause, it shall rescind the reduction in benefits notice. Good
34 cause exists only when the recipient cannot reasonably be expected
35 to fulfill his or her responsibilities, due to factors beyond the
36 recipient's control.

37 (f) Not later than January 1, 2013, the county shall provide the
38 department with an evaluation of the implementation of the
39 self-sufficiency reviews that addresses the effectiveness of the
40 reviews in meeting the goals stated in subdivision (d). Upon receipt

1 of all of the county evaluations, the department shall forward the
2 evaluations to the relevant fiscal and policy committees of the
3 Legislature for review.

4 (g) An aided adult who is fully meeting the hours of participation
5 required of CalWORKs recipients under applicable state law shall
6 not be subject to self-sufficiency reviews.

7 (h) A review conducted in accordance with this section that
8 occurs at either the 42nd or 54th month of aid pursuant to Section
9 11454 shall include all of the components specified in subdivision
10 (a), and shall also include information and a warning to the
11 individual regarding the upcoming consequences of reaching the
12 48-month or 60-month time limits, depending on the specific
13 circumstances of the case. The review shall occur six months before
14 the applicable time limit. However, if a recipient returns to aided
15 status when fewer than six months remain before the 60-month
16 time limit, he or she shall receive a review under this section within
17 a reasonable time prior to the 60th month, as determined by the
18 county.

19 (i) This section shall become operative on July 1, 2011.

20 *SEC. 13. Section 11450 of the Welfare and Institutions Code*
21 *is amended to read:*

22 11450. (a) (1) Aid shall be paid for each needy family, which
23 shall include all eligible brothers and sisters of each eligible
24 applicant or recipient child and the parents of the children, but
25 shall not include unborn children, or recipients of aid under Chapter
26 3 (commencing with Section 12000), qualified for aid under this
27 chapter. In determining the amount of aid paid, and notwithstanding
28 the minimum basic standards of adequate care specified in Section
29 11452, the family's income, exclusive of any amounts considered
30 exempt as income or paid pursuant to subdivision (e) or Section
31 11453.1, ~~averaged determined~~ for the prospective ~~quarter~~
32 *semiannual period* pursuant to Sections 11265.2 and 11265.3, and
33 then calculated pursuant to Section 11451.5, shall be deducted
34 from the sum specified in the following table, as adjusted for
35 cost-of-living increases pursuant to Section 11453 and paragraph
36 (2). In no case shall the amount of aid paid for each month exceed
37 the sum specified in the following table, as adjusted for
38 cost-of-living increases pursuant to Section 11453 and paragraph
39 (2), plus any special needs, as specified in subdivisions (c), (e),
40 and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother for the month in which the birth is anticipated and for the three-month period immediately prior to the month in which the birth is anticipated in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the mother, and child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision. Aid shall also be paid to a pregnant woman

1 with no other children in the amount which would otherwise be
2 paid to one person under subdivision (a) at any time after
3 verification of pregnancy if the pregnant woman is also eligible
4 for the Cal-Learn Program described in Article 3.5 (commencing
5 with Section 11331) and if the mother, and child, if born, would
6 have qualified for aid under this chapter.

7 (c) The amount of forty-seven dollars (\$47) per month shall be
8 paid to pregnant mothers qualified for aid under subdivision (a)
9 or (b) to meet special needs resulting from pregnancy if the mother,
10 and child, if born, would have qualified for aid under this chapter.
11 County welfare departments shall refer all recipients of aid under
12 this subdivision to a local provider of the Women, Infants and
13 Children program. If that payment to pregnant mothers qualified
14 for aid under subdivision (a) is considered income under federal
15 law in the first five months of pregnancy, payments under this
16 subdivision shall not apply to persons eligible under subdivision
17 (a), except for the month in which birth is anticipated and for the
18 three-month period immediately prior to the month in which
19 delivery is anticipated, if the mother, and the child, if born, would
20 have qualified for aid under this chapter.

21 (d) For children receiving AFDC-FC under this chapter, there
22 shall be paid, exclusive of any amount considered exempt as
23 income, an amount of aid each month which, when added to the
24 child's income, is equal to the rate specified in Section 11460,
25 11461, 11462, 11462.1, or 11463. In addition, the child shall be
26 eligible for special needs, as specified in departmental regulations.

27 (e) In addition to the amounts payable under subdivision (a)
28 and Section 11453.1, a family shall be entitled to receive an
29 allowance for recurring special needs not common to a majority
30 of recipients. These recurring special needs shall include, but not
31 be limited to, special diets upon the recommendation of a physician
32 for circumstances other than pregnancy, and unusual costs of
33 transportation, laundry, housekeeping services, telephone, and
34 utilities. The recurring special needs allowance for each family
35 per month shall not exceed that amount resulting from multiplying
36 the sum of ten dollars (\$10) by the number of recipients in the
37 family who are eligible for assistance.

38 (f) After a family has used all available liquid resources, both
39 exempt and nonexempt, in excess of one hundred dollars (\$100),
40 with the exception of funds deposited in a restricted account

1 described in subdivision (a) of Section 11155.2, the family shall
2 also be entitled to receive an allowance for nonrecurring special
3 needs.

4 (1) An allowance for nonrecurring special needs shall be granted
5 for replacement of clothing and household equipment and for
6 emergency housing needs other than those needs addressed by
7 paragraph (2). These needs shall be caused by sudden and unusual
8 circumstances beyond the control of the needy family. The
9 department shall establish the allowance for each of the
10 nonrecurring special need items. The sum of all nonrecurring
11 special needs provided by this subdivision shall not exceed six
12 hundred dollars (\$600) per event.

13 (2) Homeless assistance is available to a homeless family
14 seeking shelter when the family is eligible for aid under this
15 chapter. Homeless assistance for temporary shelter is also available
16 to homeless families which are apparently eligible for aid under
17 this chapter. Apparent eligibility exists when evidence presented
18 by the applicant, or which is otherwise available to the county
19 welfare department, and the information provided on the
20 application documents indicate that there would be eligibility for
21 aid under this chapter if the evidence and information were verified.
22 However, an alien applicant who does not provide verification of
23 his or her eligible alien status, or a woman with no eligible children
24 who does not provide medical verification of pregnancy, is not
25 apparently eligible for purposes of this section.

26 A family is considered homeless, for the purpose of this section,
27 when the family lacks a fixed and regular nighttime residence; or
28 the family has a primary nighttime residence that is a supervised
29 publicly or privately operated shelter designed to provide temporary
30 living accommodations; or the family is residing in a public or
31 private place not designed for, or ordinarily used as, a regular
32 sleeping accommodation for human beings. A family is also
33 considered homeless for the purpose of this section if the family
34 has received a notice to pay rent or quit. The family shall
35 demonstrate that the eviction is the result of a verified financial
36 hardship as a result of extraordinary circumstances beyond their
37 control, and not other lease or rental violations, and that the family
38 is experiencing a financial crisis that could result in homelessness
39 if preventative assistance is not provided.

1 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)
2 a day shall be available to families of up to four members for the
3 costs of temporary shelter, subject to the requirements of this
4 paragraph. The fifth and additional members of the family shall
5 each receive fifteen dollars (\$15) per day, up to a daily maximum
6 of one hundred twenty-five dollars (\$125). County welfare
7 departments may increase the daily amount available for temporary
8 shelter as necessary to secure the additional bedspace needed by
9 the family.

10 (ii) This special need shall be granted or denied immediately
11 upon the family's application for homeless assistance, and benefits
12 shall be available for up to three working days. The county welfare
13 department shall verify the family's homelessness within the first
14 three working days and if the family meets the criteria of
15 questionable homelessness established by the department, the
16 county welfare department shall refer the family to its early fraud
17 prevention and detection unit, if the county has such a unit, for
18 assistance in the verification of homelessness within this period.

19 (iii) After homelessness has been verified, the three-day limit
20 shall be extended for a period of time which, when added to the
21 initial benefits provided, does not exceed a total of 16 calendar
22 days. This extension of benefits shall be done in increments of one
23 week and shall be based upon searching for permanent housing
24 which shall be documented on a housing search form; good cause;
25 or other circumstances defined by the department. Documentation
26 of a housing search shall be required for the initial extension of
27 benefits beyond the three-day limit and on a weekly basis thereafter
28 as long as the family is receiving temporary shelter benefits. Good
29 cause shall include, but is not limited to, situations in which the
30 county welfare department has determined that the family, to the
31 extent it is capable, has made a good faith but unsuccessful effort
32 to secure permanent housing while receiving temporary shelter
33 benefits.

34 (B) A nonrecurring special need for permanent housing
35 assistance is available to pay for last month's rent and security
36 deposits when these payments are reasonable conditions of securing
37 a residence, or to pay for up to two months of rent arrearages, when
38 these payments are a reasonable condition of preventing eviction.

39 The last month's rent or monthly arrearage portion of the
40 payment (i) shall not exceed 80 percent of the family's total

1 monthly household income without the value of food stamps or
2 special needs for a family of that size and (ii) shall only be made
3 to families that have found permanent housing costing no more
4 than 80 percent of the family's total monthly household income
5 without the value of food stamps or special needs for a family of
6 that size.

7 However, if the county welfare department determines that a
8 family intends to reside with individuals who will be sharing
9 housing costs, the county welfare department shall, in appropriate
10 circumstances, set aside the condition specified in clause (ii) of
11 the preceding paragraph.

12 (C) The nonrecurring special need for permanent housing
13 assistance is also available to cover the standard costs of deposits
14 for utilities which are necessary for the health and safety of the
15 family.

16 (D) A payment for or denial of permanent housing assistance
17 shall be issued no later than one working day from the time that a
18 family presents evidence of the availability of permanent housing.
19 If an applicant family provides evidence of the availability of
20 permanent housing before the county welfare department has
21 established eligibility for aid under this chapter, the county welfare
22 department shall complete the eligibility determination so that the
23 denial of or payment for permanent housing assistance is issued
24 within one working day from the submission of evidence of the
25 availability of permanent housing, unless the family has failed to
26 provide all of the verification necessary to establish eligibility for
27 aid under this chapter.

28 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
29 for the temporary shelter assistance and the permanent housing
30 assistance pursuant to this paragraph shall be limited to one period
31 of up to 16 consecutive calendar days of temporary assistance and
32 one payment of permanent assistance. Any family that includes a
33 parent or nonparent caretaker relative living in the home who has
34 previously received temporary or permanent homeless assistance
35 at any time on behalf of an eligible child shall not be eligible for
36 further homeless assistance. Any person who applies for homeless
37 assistance benefits shall be informed that the temporary shelter
38 benefit of up to 16 consecutive days is available only once in a
39 lifetime, with certain exceptions, and that a break in the consecutive

1 use of the benefit constitutes permanent exhaustion of the
2 temporary benefit.

3 (ii) A family that becomes homeless as a direct and primary
4 result of a state or federally declared natural disaster shall be
5 eligible for temporary and permanent homeless assistance.

6 (iii) A family shall be eligible for temporary and permanent
7 homeless assistance when homelessness is a direct result of
8 domestic violence by a spouse, partner, or roommate; physical or
9 mental illness that is medically verified that shall not include a
10 diagnosis of alcoholism, drug addiction, or psychological stress;
11 or, the uninhabitability of the former residence caused by sudden
12 and unusual circumstances beyond the control of the family
13 including natural catastrophe, fire, or condemnation. These
14 circumstances shall be verified by a third-party governmental or
15 private health and human services agency, except that domestic
16 violence may also be verified by a sworn statement by the victim,
17 as provided under Section 11495.25. Homeless assistance payments
18 based on these specific circumstances may not be received more
19 often than once in any 12-month period. In addition, if the domestic
20 violence is verified by a sworn statement by the victim, the
21 homeless assistance payments shall be limited to two periods of
22 not more than 16 consecutive calendar days of temporary assistance
23 and two payments of permanent assistance. A county may require
24 that a recipient of homeless assistance benefits who qualifies under
25 this paragraph for a second time in a 24-month period participate
26 in a homelessness avoidance case plan as a condition of eligibility
27 for homeless assistance benefits. The county welfare department
28 shall immediately inform recipients who verify domestic violence
29 by a sworn statement pursuant to clause (iii) of the availability of
30 domestic violence counseling and services, and refer those
31 recipients to services upon request.

32 (iv) If a county requires a recipient who verifies domestic
33 violence by a sworn statement to participate in a homelessness
34 avoidance case plan pursuant to clause (iii), the plan shall include
35 the provision of domestic violence services, if appropriate.

36 (v) If a recipient seeking homeless assistance based on domestic
37 violence pursuant to clause (iii) has previously received homeless
38 avoidance services based on domestic violence, the county shall
39 review whether services were offered to the recipient and consider

1 what additional services would assist the recipient in leaving the
2 domestic violence situation.

3 (vi) The county welfare department shall report to the
4 department through a statewide homeless assistance payment
5 indicator system, necessary data, as requested by the department,
6 regarding all recipients of aid under this paragraph.

7 (F) The county welfare departments, and all other entities
8 participating in the costs of the AFDC program, have the right in
9 their share to any refunds resulting from payment of the permanent
10 housing. However, if an emergency requires the family to move
11 within the 12-month period specified in subparagraph (E), the
12 family shall be allowed to use any refunds received from its
13 deposits to meet the costs of moving to another residence.

14 (G) Payments to providers for temporary shelter and permanent
15 housing and utilities shall be made on behalf of families requesting
16 these payments.

17 (H) The daily amount for the temporary shelter special need for
18 homeless assistance may be increased if authorized by the current
19 year's Budget Act by specifying a different daily allowance and
20 appropriating the funds therefor.

21 (I) No payment shall be made pursuant to this paragraph unless
22 the provider of housing is a commercial establishment, shelter, or
23 person in the business of renting properties who has a history of
24 renting properties.

25 (g) The department shall establish rules and regulations ensuring
26 the uniform application statewide of this subdivision.

27 (h) The department shall notify all applicants and recipients of
28 aid through the standardized application form that these benefits
29 are available and shall provide an opportunity for recipients to
30 apply for the funds quickly and efficiently.

31 (i) Except for the purposes of Section 15200, the amounts
32 payable to recipients pursuant to Section 11453.1 shall not
33 constitute part of the payment schedule set forth in subdivision
34 (a).

35 The amounts payable to recipients pursuant to Section 11453.1
36 shall not constitute income to recipients of aid under this section.

37 (j) For children receiving Kin-GAP pursuant to Article 4.5
38 (commencing with Section 11360) of Chapter 2, there shall be
39 paid, exclusive of any amount considered exempt as income, an

1 amount of aid each month, which, when added to the child's
2 income, is equal to the rate specified in Section 11364.

3 *SEC. 14. Section 11450.12 of the Welfare and Institutions*
4 *Code, as amended by Section 39 of Chapter 1022 of the Statutes*
5 *of 2002, is amended to read:*

6 11450.12. (a) An applicant family shall not be eligible for aid
7 under this chapter unless the family's income, exclusive of the
8 first ninety dollars (\$90) of earned income for each employed
9 person, is less than the minimum basic standard of adequate care,
10 as specified in Section 11452.

11 (b) A recipient family shall not be eligible for further aid under
12 this chapter if ~~reasonably anticipated income, less exempt income,~~
13 ~~averaged over the quarter~~ *the monthly income determined for the*
14 *semiannual period* pursuant to Sections 11265.2 and 11265.3, *less*
15 *exempt income* and exclusive of amounts exempt under Section
16 11451.5, equals or exceeds the maximum aid payment specified
17 in Section 11450.

18 *SEC. 15. Section 11450.13 of the Welfare and Institutions*
19 *Code, as amended by Section 40 of Chapter 1022 of the Statutes*
20 *of 2002, is amended to read:*

21 11450.13. In calculating the amount of aid to which an
22 assistance unit is entitled in accordance with Section 11320.15,
23 the maximum aid payment, adjusted to reflect the removal of the
24 adult or adults from the assistance unit, shall be reduced by the
25 gross *monthly* income of the adult or adults removed from the
26 assistance unit, ~~averaged over~~ *determined for the quarter*
27 *semiannual period* pursuant to Sections 11265.2 and 11265.3, and
28 less any amounts exempted pursuant to Section 11451.5. Aid may
29 be provided in the form of cash or vouchers, at the option of the
30 county.

31 *SEC. 16. Section 11451.5 of the Welfare and Institutions Code,*
32 *as amended by Section 329 of Chapter 62 of the Statutes of 2003,*
33 *is amended to read:*

34 11451.5. (a) Except as provided by subdivision (f) of Section
35 11322.6, the following income, ~~averaged over~~ *determined for the*
36 ~~quarter~~ *semiannual period* pursuant to Sections 11265.2 and
37 11265.3, shall be exempt from the calculation of the income of
38 the family for purposes of subdivision (a) of Section 11450:

39 (1) If disability-based unearned income does not exceed two
40 hundred twenty-five dollars (\$225), both of the following amounts:

(A) All disability-based unearned income plus any amount of not otherwise exempt earned income equal to the amount of the difference between the amount of disability-based unearned income and two hundred twenty-five dollars (\$225).

(B) Fifty percent of all not otherwise exempt earned income in excess of the amount applied to meet the differential applied in subparagraph (A).

(2) If disability-based unearned income exceeds two hundred twenty-five dollars (\$225), both of the following amounts:

(A) All of the first two hundred twenty-five dollars (\$225) in disability-based unearned income.

(B) Fifty percent of all earned income.

(b) For purposes of this section:

(1) Earned income means gross income received as wages, salary, employer provided sick leave benefits, commissions, or profits from activities such as a business enterprise or farming in which the recipient is engaged as a self-employed individual or as an employee.

(2) Disability-based unearned income means state disability insurance benefits, private disability insurance benefits, temporary workers' compensation benefits, and social security disability benefits.

(3) Unearned income means any income not described in paragraph (1) or (2).

SEC. 17. Section 18910 of the Welfare and Institutions Code is repealed.

~~18910. (a) To the extent permitted by federal law, regulations, waivers, and directives, the department shall implement the prospective budgeting, quarterly reporting system provided in Sections 11265.1, 11265.2, and 11265.3, and related provisions regarding the Food Stamp Program, in a cost-effective manner that promotes compatibility between the CalWORKs program and the Food Stamp Program, and minimizes the potential for payment errors.~~

~~(b) The department shall seek all necessary waivers from the United States Department of Agriculture to implement subdivision (a).~~

SEC. 18. Section 18910 is added to the Welfare and Institutions Code, to read:

1 18910. (a) To the extent permitted by the federal Food Stamp
2 Act, including Section 2015(c) of Title 7 of the United States Code,
3 implementing regulations, and any waivers obtained by the
4 department pursuant to subdivision (g) of Section 11265.2, the
5 department shall implement a prospective budgeting, semiannual
6 reporting system for recipients of food stamps.

7 (1) Food stamp households that also receive CalWORKs benefits
8 shall be subject to the CalWORKs semiannual reporting procedures
9 established in Sections 11265.1, 11265.2, and 11265.3.

10 (2) Food stamp households not receiving CalWORKs shall not
11 be required to report within the semiannual reporting period unless
12 specifically required by federal food stamp law. Otherwise, food
13 stamp households not receiving CalWORKs shall be subject to
14 semiannual reporting procedures established in Sections 11265.1,
15 11265.2, and 11265.3, excluding the CalWORKs income reporting
16 threshold and any provisions not permitted under federal food
17 stamp law, regulation, or waivers obtained by the department
18 pursuant to subdivision (g) of Section 11265.2.

19 (b) For recipients of food stamps who also are Medi-Cal
20 beneficiaries and who are subject to the Medi-Cal midyear status
21 reporting requirements, counties shall seek to align the timing of
22 reports required under this section with midyear status reports
23 required by the Medi-Cal program.

24 (c) The requirements of subdivisions (h) and (i) of Section
25 11265.1 and subdivision (g) of Section 11265.2 shall apply to the
26 implementation of this section.

27 (d) The department shall seek all necessary waivers from the
28 United States Department of Agriculture to implement this section.

29 (e) Counties may establish staggered, semiannual reporting
30 cycles for individual recipients, based on factors established or
31 approved by the department, including, but not limited to,
32 application date or case number. If the county elects to stagger
33 the reporting periods for individual recipients, this section shall
34 apply to an individual recipient on the first day of the month
35 assigned to the recipient, but in no event later than July 1, 2011.
36 Up to and until the establishment of the semiannual reporting
37 system, counties shall operate a quarterly system, as established
38 by law and regulation applicable immediately prior to the
39 establishment of the semiannual reporting system.

1 *SEC. 19. (a) The changes made to the Welfare and Institutions*
2 *Code by this act shall become operative in a county on the date*
3 *that the county implements the semiannual reporting provisions*
4 *referred to in those sections. A county may implement the*
5 *semiannual reporting provisions as early as July 1, 2011, but in*
6 *no event later than January 1, 2012.*

7 *(b) Notwithstanding subdivision (a), if a county elects to stagger*
8 *the reporting periods for individuals pursuant to subdivision (h)*
9 *of Section 11265.1 of the Welfare and Institutions Code or*
10 *subdivision (e) of Section 18910 of the Welfare and Institutions*
11 *Code, as added by this act, this act shall apply to an individual*
12 *recipient on the first day of the month assigned to that recipient,*
13 *but in no event later than July 1, 2012.*

14 *SEC. 20. (a) Notwithstanding Chapter 3.5 (commencing with*
15 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
16 *Code, until emergency regulations are filed with the Secretary of*
17 *State, the State Department of Social Services may implement the*
18 *changes made by this act through all-county letters or similar*
19 *instructions from the director. The department shall adopt*
20 *emergency regulations, as necessary to implement those changes*
21 *no later than January 1, 2012.*

22 *(b) The adoption of regulations pursuant to subdivision (a) shall*
23 *be deemed to be an emergency and necessary for the immediate*
24 *preservation of the public peace, health, safety, or general welfare.*
25 *The emergency regulations authorized by this section shall be*
26 *exempt from review by the Office of Administrative Law. The*
27 *emergency regulations authorized by this section shall be submitted*
28 *to the Office of Administrative Law for filing with the Secretary*
29 *of State and shall remain in effect for no more than 180 days, by*
30 *which time final regulations shall be adopted.*

31 *SEC. 21. No appropriation pursuant to Section 15200 of the*
32 *Welfare and Institutions Code shall be made for purposes of this*
33 *act.*

34 *SEC. 22. If the Commission on State Mandates determines that*
35 *this act contains costs mandated by the state, reimbursement to*
36 *local agencies and school districts for those costs shall be made*
37 *pursuant to Part 7 (commencing with Section 17500) of Division*
38 *4 of Title 2 of the Government Code.*

39 ~~*SECTION 1. It is the intent of the Legislature to enact*~~
40 ~~*legislation that would take advantage of options available under*~~

1 ~~the federal Fostering Connections to Success and Increasing~~
2 ~~Adoptions Act, which provides federal funding to improve~~
3 ~~outcomes for youth in or transitioning out of foster care, including~~
4 ~~youth placed with relatives and qualifying youth under 21 years~~
5 ~~of age.~~

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